

## A TO F GRADES, RANKINGS, AND DESIGNATIONS FOR PUBLIC SCHOOLS

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**House Bill 5526 as enacted**  
**Public Act 601 of 2018**  
**Sponsor: Rep. Tim Kelly**  
**House Committee: Education Reform**  
**Senate Committee: Committee of the Whole**  
**Complete to 8-26-21**

Analysis available at  
<http://www.legislature.mi.gov>

**BRIEF SUMMARY:** House Bill 5526 amends the Revised School Code to require the Michigan Department of Education (MDE) to develop a school grading system that assigns each public school in Michigan a letter grade from A to F based on its achievement in five specified indicators. MDE must administer the system and begin assigning school grades based on achievement by September 1, 2019, and yearly thereafter. MDE also must assign rankings based on how the school relates to comparable schools and how subgroups of students at the school compare to those subgroups statewide. Additionally, MDE must designate high- and low-performing public schools based on their grades and rankings. MDE must report schools' grades and rankings as prescribed and present a status update on the system to the House and Senate at least annually.

### **THE APPARENT PROBLEM:**

The Every Student Succeeds Act (ESSA), a federal K-12 education law passed in December 2015, required every state to submit plans for a statewide school accountability program. Michigan's initial submission on April 17, 2017, included three proposed assessment programs—two based on the A-to-F model and one with a dashboard that would be instituted in the absence of guidance from the legislature. When the legislature did not act in 2017, Michigan's final ESSA submission on November 15, 2017, included the parent dashboard,<sup>1</sup> which was made public on January 9, 2018. The sponsor and supporters of HB 5526 have stated that the bill was offered and advanced with the intent that the dashboard and A-to-F system would work in concert.

House Bill 5526 also repeals sections 390, 391, and 1280c of the Revised School Code effective June 30, 2019. Sections 390 and 391 were implemented under the Detroit Public Schools legislation<sup>2</sup> in June 2016 and require creation of an A-to-F accountability system and closure of the lowest-performing Detroit Public Schools Community District (DPSCD) schools. Section 1280c created the office of the State School Reform/Redesign Officer (SRO) and governed the identification of the lowest-achieving 5% of public schools and the implementation of one of the following redesign plans: turnaround model, restart model, school closure, or transformation model. (Effectively, the responsibilities of the

<sup>1</sup> <https://www.mischooldata.org/ParentDashboard>

<sup>2</sup> <http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-5384-4D9538F1.pdf>

SRO have been fulfilled by the Office of Partnership Districts/School Reform (OPS/SR)<sup>3</sup> since that office was created in MDE in March 2017.)

The bill instead identifies low-performing schools as comprehensive support and improvement schools and shifts the current responsibilities of the SRO to MDE throughout the code.

### ***THE CONTENT OF THE BILL:***

#### **A to F public school grades**

House Bill 5526 requires MDE to develop a statewide system of accountability measurements by August 1, 2019. Based on those measurements, beginning September 1, 2019, and yearly thereafter, MDE must assign letter grades to each public school in the state in each of the following five indicators:

- Student **proficiency** in mathematics and English language arts, as measured by the percentage of all pupils who achieve proficiency on the applicable state assessments, as determined by MDE.
- Students who achieve adequate **growth** in mathematics and English language arts on the applicable state assessment. Adequate growth may incorporate reporting of student growth measures, as reported by the model value-added growth and projection analytics system implemented by MDE, and are based on any of the following, as determined by MDE:
  - Student growth from fall to spring of the same school year or spring of one school year to spring of the next, as appropriate based on the timing of state assessments.
  - Students who scored proficient on the immediately preceding applicable state assessment and who at least maintained a proficient score on the most recent state assessment.
  - Students who scored less than proficient on the immediately preceding state assessment and who demonstrate growth sufficient to reach proficiency in three school years.
- Students who are **English-language learners** and who achieve adequate growth toward proficiency in the English language as determined by MDE and required under ESSA.
- **Graduation rate** of students enrolled in high school, as applicable and as defined by and reported to the Michigan Center for Educational Performance and Information (CEPI).
- The academic performance of the public school's students on the assessment compared to student performance at **comparable schools**.

#### **Public school rankings**

In addition to requiring that each public school be assigned a *letter grade* for each of the categories listed above, the bill requires MDE to assign a *ranking* to each public school in certain specified indicators beginning no later than September 1, 2019. MDE must assign

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<sup>3</sup> <https://www.michigan.gov/mde/0,4615,7-140-83834---,00.html>

a ranking of significantly above average, above average, average, below average, or significantly below average for each the following indicators:

- Rate of students who are **chronically absent**, as defined by and reported to CEPI.
- **Participation rate** for each applicable state assessment, based on students who are assigned to take that assessment (and not including students eligible for special education services or those not required to participate in state assessments.)
- Student **subgroup performance** in relation to the same subgroup statewide (for example, how African-American students at that school compare to the statewide average for that group).

### **Designation of high- and low-performing public schools based on grades and rankings**

Under the bill, MDE must develop standards for identifying public schools as falling into categories of performance and adequate achievement.

One set of standards must identify the lowest achieving public schools as **comprehensive support and improvement schools**, as required under ESSA. The schools under this designation may not exceed 5% of the number of public schools statewide and may meet *any* of the following criteria:

- The school is a high school that graduates fewer than 2/3 of its students.
- The school receives an “F” grade in *all* of the following indicators: student growth, student proficiency, and performance in relation to comparable schools.
- The school meets any other criteria for a comprehensive support and improvement school under ESSA, as determined by MDE.

MDE also must develop a set of standards to identify high-achieving public schools as **reward schools**. These schools may meet *any* of the following criteria:

- The school is a high school that graduates at least 99% of its students.
- The school receives an “A” grade in *any* of the following indicators: student growth, student proficiency, or performance in relation to comparable schools.
- The school meets any other criteria for identification as a reward school, as determined by MDE.

Finally, MDE must develop standards for all of the following:

- Identifying public schools in which one or more groups of students are consistently underperforming as **targeted support and improvement schools**, as described in ESSA.
- Identifying public schools in which the performance of one or more groups of students would place those students in the bottom 5% of Title I schools. (Title I of ESSA targets “disadvantaged” students, with a goal of “provid[ing] all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps.”)<sup>4</sup>
- Identifying public schools in any other categorization required under ESSA.

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<sup>4</sup> The Elementary and Secondary Education Act of 1965 (ESEA), as amended by ESSA:  
<https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>

The superintendent of public instruction must publish a list of comprehensive support and improvement schools and reward schools for that school year by September 1, 2019, and by September 1 every three years thereafter.

#### **Implementation and monitoring of accountability measures**

The bill requires MDE to implement and administer the statewide system of accountability measures beginning in the 2019-2020 school year.

MDE must monitor the effectiveness of the system and make changes it considers necessary to make the system more effective and ensure compliance with the bill's requirements. As part of this process, MDE must develop and implement processes for receiving public comment.

By December 1, 2019, MDE must develop accountability measures to impose on comprehensive support and improvement schools. For the purposes of the measures, a public school that was identified as one of the lowest-achieving 5% under section 1280c (repealed by the bill) is considered a comprehensive support and improvement school for that school year. MDE must implement the measures by July 1, 2020.

#### **Public schools exempted from grades and rankings**

MDE must designate a public school as an **alternative education campus** and not assign grades or rankings if the school meets one of the following criteria:

- The school is a center program.
- The school is a strict discipline academy.
- The school is a program for adjudicated youth.
- The school serves any other specialized student population with special needs, as determined by MDE.

However, beginning September 1, 2019, and annually thereafter, MDE must issue a summary status for each public school designated as an alternative education campus. The summary must indicate whether the school was in compliance with applicable law and whether students enrolled in the public school were making meaningful, measurable academic progress toward educational goals established by the governing body of the public school and approved by the superintendent of public instruction.

#### **Peer review panel**

MDE must submit its proposed standards for determining grades and rankings to a peer review panel by August 1, 2019. The five-person panel includes three members appointed by the governor, one by the Senate majority leader, and one by the Speaker of the House, all of whom must have expertise in school accountability systems. The panel must submit its findings to MDE and the House and Senate education committees by August 15, 2019.

#### **Teacher performance incentives**

Section 1250 of the code requires the DPSCD to implement a method of compensation that focuses on job performance and job accomplishments as the primary factor in determining compensation. Previously, this method of compensation was to apply to all teachers and

administrators hired by the district after the A-to-F grading system for schools required under section 390 took effect. The bill instead provides that the performance incentives take effect September 1, 2019.

### **Repealers**

The bill repeals the sections of the code that currently require creation of an A-to-F accountability system and closure of the lowest-performing DPSCD schools, as well as the section that created the SRO, effective June 30, 2019.

MCL 380.12a et seq. and proposed MCL 380.1280g

### ***BACKGROUND INFORMATION:***

MDE's initial ESSA submission included two A-to-F school report card options.<sup>5</sup> One proposed report card would have weighted the following factors as follows:

- Student proficiency on state tests: 29%.
- Student growth on state tests: 34%.
- Graduation rate: 10%.
- English learner progress: 10%.
- School quality/student success: 14%. (Measures to determine success would include chronic absenteeism; teacher and school administrator longevity; advanced coursework by 11th and 12th graders; and time spent in fine arts, music, and physical education.)
- Participation in state assessments: 3%.

That option would have included those weighted indicators in a summative grade of A to F. This is the option that was released for public comment and developed by the ESSA Accountability Action Team at the request of the superintendent. The other proposed option would have included the same indicators, but without a summative grade.

However, in the absence of guidance from the legislature, and following conversations with parents, teachers, and other stakeholders, MDE's final ESSA state plan incorporated a "transparency dashboard" rather than an A-to-F grading system.<sup>6</sup> According to the ESSA submission, the dashboard is better aligned to the state's specific education goals and represents a "more appropriate and holistic way to hold schools accountable for student outcomes in a well-rounded education."

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<sup>5</sup> MDE's initial ESSA submission (submitted 4/17/17): [https://www.michigan.gov/documents/mde/Michigan-ESSA-Consolidated-Plan-Overview\\_558371\\_7.pdf](https://www.michigan.gov/documents/mde/Michigan-ESSA-Consolidated-Plan-Overview_558371_7.pdf)

<sup>6</sup> MDE's explanation of the transparency dashboard (6/7/17): [http://www.michigan.gov/documents/mde/SBE\\_Policy\\_Statement\\_on\\_Transparency\\_Dashboard\\_-\\_FINAL\\_TT\\_575834\\_7.pdf](http://www.michigan.gov/documents/mde/SBE_Policy_Statement_on_Transparency_Dashboard_-_FINAL_TT_575834_7.pdf)

The dashboard largely covers the same components, but presents all six (five under A to F) without assigning different weights and combining them into a single letter grade. They are as follows:

- Participation (consisting of participation in the content areas assessments and participation in the English language proficiency assessment).
- Proficiency.
- Growth.
- Graduation rate.
- English learner progress.
- Additional indicator of school quality/student success:
  - For schools with 11th and 12th grades, this would be measured by chronic absenteeism, 11th- and 12th-grade advanced coursework (Advanced Placement, International Baccalaureate, dual enrollment, or career and technical education), and postsecondary enrollment.
  - For schools without 11th and 12th grades, this would be measured by chronic absenteeism, access to arts or physical education, and access to a librarian or media specialist.

According to the Education Commission of the States, in 2018 state ESSA plans indicated the following breakdown for accountability programs:<sup>7</sup>

- 13 states plan to use an A-to-F rating system.
- 11 states plan to use a descriptive rating system (Needs Improvement, Average, Good, Great, Excellent).
- 9 states plan to use an index rating system (1 to 100 or 1 to 10).
- 8 states plan to use a tier-of-support system (comprehensive support and improvement, targeted support and improvement, none).
- 4 states and the District of Columbia plan to use a system of one to five stars.

### **Detroit Public Schools Community District (DPSCD)**

2016 PA 192 required the SRO to implement an A-to-F accountability system for the DPSCD “beginning with the second full school year that starts after the transfer date.” The transfer date—the date when the Detroit Public Schools split into DPSCD, the entity that would operate the schools in Detroit, and the Qualifying School District, the entity that would discharge the district’s debt—was July 1, 2016.

The bill repeals section 390 of the code, which required the A-to-F system of the DPSCD.

### ***ARGUMENTS:***

#### ***For:***

Proponents argued that the A-to-F system provides a simple and intuitive accounting of a school’s performance for officials and the public. Other scoring and ranking options that include various number scales, colors coded to denote performance levels, and word descriptions are simply too complicated. How can parents be expected to navigate a series

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<sup>7</sup> <https://www.ecs.org/50-state-comparison-states-school-accountability-systems/>

of charts, colors, and numbers simply to ensure that their children are attending adequate schools? Instead, providing each school with letter grades from A to F in specific categories presents a metric that is universally recognizable and understandable.

***Against:***

Opponents argued that assigning A to F grades oversimplifies the difficult job of assessing school performance. Schools in high-poverty areas and those with many English language learners are most likely to be identified as “F” schools and need more supports rather than designation as a failing school. School assessment tools should assist parents in comparing neighborhood schools based on relevant criteria, How does it help parents to designate all area schools as failing? Surely parents are able to assess a school’s achievement on a 0-100 scale and make their decision accordingly—do they really need to be told that all local schools are “significantly below average”?

Moreover, some asked why Lansing would impose another arbitrary grading system on local school districts. The A-to-F system would be the sixth accountability system in Michigan in seven years, following the current index scoring system, two systems that operated simultaneously ranking schools top-to-bottom and ranking by colors, and a different A-to-F system, among others. Perhaps the legislature should give existing requirements the chance to succeed or fail before shifting course. After all, how can MDE and administrators focus on their primary goal of educating children when they are constantly developing and adjusting to new accountability systems?

Others wondered if parts of the new system would violate the federal Individuals with Disabilities Education Act (IDEA) and ESSA by exempting special education students from accountability metrics. Accordingly, MDE has delayed implementation of the system and announced plans to ask the attorney general for a legal review of the policy. While an opinion from the Office of the Attorney General is not binding on the courts, “it does command the allegiance of state agencies.”<sup>8</sup>

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>8</sup> *Traverse City Sch Dist v Attorney General*, 384 Mich 390, 410, fn2 (1971).